

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	AMENDED FINAL ORDER
-v.-	:	<u>OF FORFEITURE</u>
	:	
MARTIN RUIZ,	:	21 Cr. 695 (VSB)
	:	
Defendant.	:	
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WHEREAS, on or about June 24, 2022, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property (D.E. 24) (the “Preliminary Order of Forfeiture”), which ordered the forfeiture to the United States of all right, title and interest of MARTIN RUIZ (the “Defendant”) in, *inter alia*, the following specific property: All right, title, and interest of the Defendant in the real property located at 11 Clove Court, Santa Fe, NM 87506 (“Subject Property”);

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Subject Property, and the requirement that any person asserting a legal interest in the Subject Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). Pursuant to Section 853(n), the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of

the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Subject Property before the United States can have clear title to the Subject Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Subject Property was posted on an official government internet site (www.forfeiture.gov) beginning on August 18, 2022, for thirty (30) consecutive days, through September 16, 2022, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on March 30, 2023 (D.E. 31);

WHEREAS, on or about August 15, 2022, notice of the Preliminary Order of Forfeiture was sent by certified mail, return receipt requested to Mister Farms, LLC ("Mister Farms"), at 1012 San Joaquin Rd, Deming, NM 88030 and a residence located on El Cerro Loop, Los Lunas, NM 87031;

WHEREAS, on or about September 7, 2022, notice of the Preliminary Order of Forfeiture was sent by certified mail, return receipt requested to counsel for Loandepot.com (together with Mister Farms, the "Noticed Parties");

WHEREAS, on or about October 28, 2022, Loandepot.com advised the Government of its interest in the Subject Property as a result of a mortgage held against the Subject Property;

WHEREAS, on or about January 5, 2023, the Court entered a Stipulation and Order resolving Loandepot.com's interest in the Subject Property (D.E. 30);

WHEREAS, the Government learned that a full legal description of the Subject Property in the Final Order of Forfeiture was necessary to market and sell the property;

WHEREAS, the full legal description of the Subject Property is:

The real property located at 11 Clove Court, Santa Fe, NM 87506, more particularly described as: Lot 98 of Las Campanas Estates I, as shown and delineated on plat of survey entitled "Boundary Survey Plat for Blair Michael Johnson and Diane Marie Landreneau Johnson Lot 98 Las Campanas Estates 1, Santa Fe County, New Mexico.", recorded October 8, 1998, in Plat Book 397, Page 13, as # 1044348, records of Santa Fe County, New Mexico;

WHEREAS, the Government seeks to forfeit all right, title and interest in Subject Property to the Government;

WHEREAS, the Defendant and the Noticed Parties are the only people and/or entities known by the Government to have a potential interest the Subject Property;

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Subject Property have been filed; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2).

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Subject Property is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Subject Property.

3. The United States (or its designee) shall take possession of the Subject Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

The Clerk of Court is respectfully directed to close the motions at Docs. 29 and 35.

Dated: New York, New York

April 24, 2023

SO ORDERED:

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and the last name "Broderick" follows in a similar cursive script.

Vernon S. Broderick
United States District Judge